

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

---

GERALD P. CZUBA, both individually  
and on behalf of a class of others  
similarly situated,

Plaintiff,

v.

IKO MANUFACTURE, INC.,

Defendants.

---

Case No. 09-cv-0409 (WMS)

**NOTICE OF MOTION FOR  
ADMISSION *PRO HAC VICE***

Moving Party:	Plaintiff.
Directed To:	Court.
Date and Time:	To be scheduled by the Court.
Place:	U.S. Courthouse, 68 Court Street, 4 <sup>th</sup> Floor, Buffalo, New York.
Supporting Papers:	Declaration of Charles J. LaDuca in support of motion for admission <i>pro hac vice</i> of Michael McShane, with sworn petition and oath.
Relief Requested:	An order of this Court admitting Michael McShane, <i>pro hac vice</i> for purposes of representing the plaintiff in this action.
Grounds for Relief:	Rule 83.1(i) of the Local Rules of the Western District of New York.
Answering Papers:	If any, are required to be served at least three business days prior to the return date of this motion, in accordance with Local Rule 7.1(c).

Oral Argument:

Not requested.

Dated: May 22, 2009

**CUNEO GILBERT & LADUCA, LLP**

By s/Charles J. LaDuca

Charles J. LaDuca

507 C Street, N.E

Washington, D.C. 20002

Tel: (202) 789-3960

charlesl@cuneolaw.com

*Counsel for Plaintiff*

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

---

GERALD P. CZUBA, both individually  
and on behalf of a class of others  
similarly situated,

Plaintiff,

v.

IKO MANUFACTURE, INC.,

Defendants.

---

Case No. 09-cv-0409 (WMS)

**DECLARATION OF CHARLES J. LADUCA IN SUPPORT  
OF MOTION FOR ADMISSION PRO HAC VICE**

Charles J. LaDuca, being first duly sworn, deposes and states upon personal knowledge and information as follows:

1. I am a partner with the firm of Cuneo Gilbert & LaDuca, LLP, located at 507 C Street, N.E., Washington, DC 20002.
2. I am counsel for the Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Michael McShane as counsel pro hac vice to represent the Plaintiff in this matter.
3. I am a member of the New York and District of Columbia Bars. I was initially admitted to the New York Bar in 2001. In addition, I was admitted to practice in this District on August 9, 2005. I am also admitted to practice in the U.S. Court of Appeals for the Third Circuit; U.S. District Courts for the District of Columbia, Northern District of New York, District of Minnesota, and the District of Colorado.

4. Michael McShane is an attorney at Audet & Partners, LLP, located at 221 Main Street, Suite 1460, San Francisco, CA 94105. Audet & Partners, LLP is co-counsel to plaintiff.

5. I have worked with Mr. McShane in the prosecution of this matter and others, and have found him to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to support and respectfully move for the admission of Mr. McShane, pro hac vice.

6. I submit a proposed order granting the admission of Mr. McShane pro hac vice in this case.

7. The background and bar admission of Mr. McShane are set forth in the sworn petition submitted with this motion.

I hereby declare, under penalty of perjury, that the foregoing is true and correct, based on my personal knowledge and information.

By: s/ Charles J. LaDuca

Date: May 22, 2009

Charles J. LaDuca, Bar #3975927  
CUNEO GILBERT & LADUCA, LLP  
507 C Street, N.E.  
Washington, DC 20002  
(202) 789-3960

# EXHIBITS

---

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION OF  
Michael McShane  
(Name)  
TO BE ADMITTED TO PRACTICE AS AN ATTORNEY

PETITION

TO THE HONORABLE JUDGE William M. Skretny OF THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF NEW YORK:

Michael McShane, petitioner herein, respectfully states:

1. That petitioner resides at: 5426 Anza Street  
and has an office for the practice of law at: Audet & Partners, LLP,  
221 Main Street, Suite 1460, San Francisco, CA 94105
2. That petitioner attended the following educational institutions and received the following degrees:  
University of Oregon School of Law, Juris Doctorate
3. Please complete either (a) or (b):  
(a) That petitioner was admitted to practice by the Appellate Division of the Supreme Court, \_\_\_\_\_ Department of the State of New York on the \_\_\_\_\_ day of \_\_\_\_\_,  
(b) That petitioner was admitted to practice in the United States District Court of the Northern District of CA on the \_\_\_\_\_ day of Sept., 1992 and is a member of the bar of the State in which that district court is located and in which the petitioner maintains an office for the practice of law, and said District Court by its rules extends a corresponding privilege of admission to members in good standing of the bar of the Western District of New York.
4. Petitioner is admitted to the following courts: United States Supreme Court, California  
Supreme Court, U.S. Court of Appeals for the Ninth Circuit
5. Since such admission(s), petitioner has practiced in the following Courts: California Supreme Court,  
U.S. Court of Appeals for the Ninth Circuit  
and has been involved in the following professional activities: N/A
6. That Petitioner has never been held in contempt of court, or censured in a disciplinary proceeding, suspended or disbarred by any court or admonished by any disciplinary committee of the organized bar, nor is the subject of any pending complaint before any court: (Note: if petitioner cannot swear to this statement, see Local Rules, which detail the additional statement required of petitioner.)
7. That petitioner has read and is familiar with the provisions of Title 28 of the United States Code which pertain to jurisdiction of and venue in a United States District Court, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the Local Rules of Practice for the United States District Court for the Western District of New York, the Code of Professional Responsibility as adopted by the Appellate Division of the State of New York and as interpreted and applied by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and this Court.

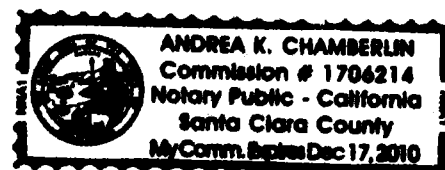
**WHEREFORE**, the petitioner respectfully requests to be admitted as an attorney in the United States District Court for the Western District of New York.

I verify under penalty of perjury that the foregoing is true and correct.

[Signature]  
(Signature of Petitioner)

Sworn to before me this 6 day of May, 2009

Andrea K. Chamberlin  
Notary Public



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**APPENDIX TO CIVILITY PRINCIPLES**

**OATH OF OFFICE**

I do solemnly swear (or affirm):

I will support the Constitution of the United States and the Constitution of the State of New York;

I will maintain the respect due to Courts of Justice and judicial officers;

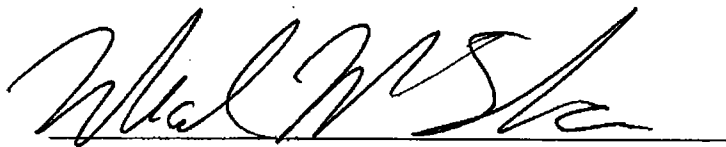
I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;

I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in this State and before this Court.

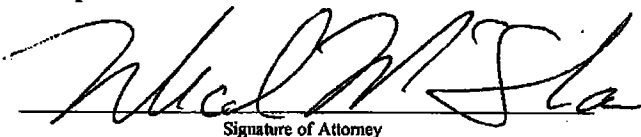
A handwritten signature in black ink, appearing to read "Michael W. Shea", is written over a horizontal line.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

**ATTORNEY'S OATH**

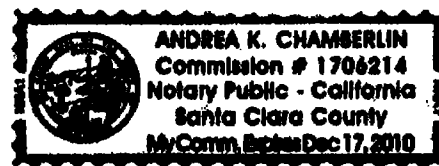
STATE OF California )  
 ) SS:  
San Francisco COUNTY )

I, Michael McShane of San Francisco, California  
City, State  
do solemnly swear or affirm that I will demean myself, as an attorney and counselor of the United  
States District Court for the Western District of New York, uprightly and accordingly to law; and I will  
support the Constitution of the United States. So help me God.

  
Signature of Attorney

Subscribed and sworn to before me this 21<sup>st</sup>  
day of May, 2009.

Andrea K Chamberlin  
Notary Public





UNITED STATES DISTRICT COURT  
Western District of New York

ELECTRONIC CASE FILING SYSTEM REGISTRATION FORM

This form is used to register for an account on the Courts' Case Management/Electronic Files (CM/ECF) system. Registered attorneys will have privileges to electronically submit and to view the electronic docket sheets and documents. By registering, attorneys consent to receiving electronic notice of filings through the system. The following information is required for registration:

PLEASE TYPE

First/Middle/Last Name: Michael McShane

Firm Name: Audet & Partners, LLP

Firm Address: 221 Main Street, Suite 1460

City/State/Zip: San Francisco, CA 94105

Voice Phone Number: (415) 568-2555 FAX Number: (415) 568-2556

Internet E-Mail Address: mmcshane@audetlaw.com

Additional E-Mail Address  
(optional): abrennan@audetlaw.com

Does your E-Mail Software support HTML messages? Yes ☒ No ☐

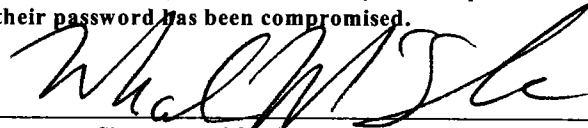
Attorneys seeking to file documents electronically must be admitted to practice in the  
United States District Court for the Western District of New York

Date admitted to practice in this Court: \_\_\_\_\_

If admitted pro hac vice:

Date motion for pro hac vice granted: \_\_\_\_\_ in case number: 09-cv-0409

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b) and 77(d) via the Court's electronic filing system. The combination of user id and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised.

  
\_\_\_\_\_  
Signature of Registrant

05/04/2009  
\_\_\_\_\_  
Date

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

---

GERALD P. CZUBA, both individually  
and on behalf of a class of others  
similarly situated,

Plaintiff,

v.

IKO MANUFACTURE, INC.,

Defendants.

---

Case No. 09-cv-0409 (WMS)

**ORDER GRANTING ADMISSION TO PRACTICE *PRO HAC VICE***

The motion for admission to practice *pro hac vice* in the above-captioned matter is granted. The admitted attorney:

Michael McShane

is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay an admission fee and present this Order to the intake deputy in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Date: \_\_\_\_\_, 2009

---

William M. Skretny  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the attached pro hac vice application to be filed electronically on the Court's ECF system.

Date: May 22, 2009

/s/ Charles J. LaDuca  
By: Charles J. LaDuca